GOVERNMENT OF INDIA
SHIPPING
LOK SABHA

UNSTARRED QUESTION NO:2379
ANSWERED ON:16.03.2017
Repeal of Outdated Acts
Khadse Smt. Raksha Nikhil

Will the Minister of SHIPPING be pleased to state:

(a) whether the Government proposes to repeal some of the old outdated Acts related to shipping sector and replace these with the new/revised Acts;
(b) if so, the details thereof; and
(c) the salient features likely to be proposed in the new Acts?

Answer

(a)&(b):Yes, Madam (i) The Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, (as passed by the LokSabha on 10th March 2017), when enacted, will repeal five obsolete British statues on admiralty jurisdiction in civil matters, namely, (a) the Admiralty Court Act, 1840 (b) the Admiralty Court Act, 1861, (c) Colonial Courts of Admiralty Act, 1890, (d) Colonial Courts of Admiralty (India) Act, 1891, and (e) the provisions of the Letters Patent, 1865 applicable to the admiralty jurisdiction of the Bombay, Calcutta and Madras High Courts; (ii) The Merchant Shipping Bill, 2016, (introduced in the LokSabha on 16th December 2016), if enacted, will repeal the Coasting Vessels Act, 1838 and the Merchant Shipping Act, 1958; and (iii) The Major Ports Authorities Bill, 2016 (introduced in LokSabha on December 16, 2016), if enacted, will repeal the Major Port Trusts Act, 1963.

(c) The salient features of the proposed above mentioned Bills are:

(I) The Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill consolidates the existing laws relating to admiralty jurisdiction of courts, admiralty proceedings on maritime claims, arrest of vessels and related issues. The Bill confers admiralty jurisdiction on High Courts located in coastal states of India and this jurisdiction extends upto territorial waters. The jurisdiction is for adjudicating on a set of maritime claims listed in the Bill. In order to ensure security against a maritime claim a vessel can be arrested in certain circumstances.
(II) The Merchant Shipping Bill, 2016 is a revamped version of the Merchant Shipping Act, 1958. The provisions of the Bill will simplify the law governing the merchant shipping in India. Further, certain redundant provisions will be dispensed with and remaining provisions will stand consolidated and simplified so as to promote ease of doing business, transparency and effective delivery of services. The significant reforms that will usher in, upon enactment of the Bill, are augmentation of Indian tonnage, promotion of coastal shipping, introduction of welfare measures for seafarers, registration of vessels not covered under any statute. The Bill also incorporates all International Maritime Organisation (IMO) Conventions/Protocols in the Indian laws up-to-date.

(III) The Major Ports Authorities Bill, 2016 inter alia provides for the following namely:-

(i) to constitute the Board of Port Authority for each Major Port in the place of the Board of Trustees;
(ii) to enable the Board of Port Authorityâ€" (a) to use its property, assets and funds in such manner and for such purposes as it may deem fit for the benefit of that Major Port; (b) to enter into and perform any contract necessary for the performance of its functions under the proposed legislation; (c) to make regulations for the purposes of operations, development and planning of the Major Port; (d) to frame the scales of rates for assets and services available at Major Port; (e) to claim lien on such goods and to seize and detain the same until such rates and rents are fully paid;
(iii) to empower the Board of Port Authority to raise the loans and issue securities for the purposes of the capital expenditure and working capital requirements of such Port Authority;
(iv) to constitute an Adjudicatory Board for adjudication of disputes among Major Ports, Public Private Partnership concessionaries and captive users;
(v) to make a provision for Corporate Social Responsibility measures within the port limits
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